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Attorneys for Petitioner
KELVIN J. EVANS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELVIN J. EVANS,)	NO. CIV S 04-2051 LKK KJM P
)	
Petitioner,)	JOINT STATUS REPORT AND
)	STIPULATION AND ORDER FOR FURTHER
v.)	STAY OF PROCEEDINGS
)	
TOM L. CAREY, et al.,)	
)	
Respondents.)	
)	

Petitioner, KELVIN J. EVANS, and Respondents, TOM L. CAREY, et al., hereby agree and stipulate as follows:

1. On August 23, 2005, Mr. Evans had a parole suitability hearing before a panel of the Board of Parole Hearings ("Board"). That panel found Mr. Evans suitable for parole and set a prison term that would have terminated in the past.
2. On December 22, 2005, the parties learned that the Governor has invoked his authority under California Penal Code Section 3041.1 to request *en banc* review of the of the Board's decision to grant parole. The Board is scheduled to consider Mr. Evans's case *en banc* on January 18, 2006.
3. The parties propose that this matter be further stayed pending

1 the Board's *en banc* review of the decision to grant Mr. Evans
2 parole. On or before March 1, 2006, the parties can file a
3 joint status report indicating whether Mr. Evans has been
4 released on parole. If Mr. Evans has been released, this case
5 can be dismissed as moot. If Mr. Evans has not been released,
6 Petitioner Evans could be prepared to file his traverse by
7 March 15, 2006.

- 8 4. Counsel for respondent, Deputy Attorney General Pamela B.
9 Hooley,^{1/} has authorized the undersigned to sign this
10 stipulation electronically on her behalf.
11

12 Dated: December 27, 2005

13 Respectfully submitted,

14 QUIN DENVIR
15 Federal Defender

16 /s/ Carolyn M. Wiggin
17 CAROLYN M. WIGGIN
18 Assistant Federal Defender
19 Attorney for Petitioner
20 KELVIN J. EVANS

21 /s/ Pamela B. Hooley
22 PAMELA B. HOOLEY
23 Deputy Attorney General
24 Attorney for Respondents
25 TOM L. CAREY, ET AL.
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27 ¹Deputy Attorney General R. Michael Llewellyn's last day at
28 the Attorney General's Office is December 23, 2005. Deputy
Attorney General Pamela B. Hooley will take over representation
of Respondent for the time being.


ORDER

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2 1. For the reasons set forth in the stipulation of the
3 parties, and for good cause shown, this matter is stayed. On or before
4 March 1, 2006, the parties shall file a joint status report indicating
5 whether Mr. Evans has been released from imprisonment on parole. If
6 Mr. Evans has not been released on parole, Petitioner Evans shall file
7 his traverse on or before March 15, 2006.

8 2. The Clerk's Office is directed to terminate Robert
9 Michael Llewellyn as lead counsel for Respondent, and substitute in his
10 stead Deputy Attorney General Pamela B. Hooley.

11 IT IS SO ORDERED.

12 Dated: December 28, 2005.

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15 UNITED STATES MAGISTRATE JUDGE
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